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Counsel for Defendant ALEXANDER

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GREGORY ALEXANDER,

Defendant.

No. CR 09-719 EMC

STIPULATION and [PROPOSED]
ORDER TO CONTINUE STATUS
CONFERENCE

Date: September 28, 2011

Time: 2:30 p.m.

Court: The Honorable Edward M. Chen

Undersigned counsel stipulate as follows:

1. A status conference is currently scheduled in this matter on September 28, 2011 at 2:30 p.m. The purpose of the status conference is to advise the Court as to the status of a potential disposition of the case;
2. The parties hereby advise the Court that the government has made an official offer to Mr. Alexander, and the parties are conferring over some specific terms of the offer. One of the outstanding issues is whether or not a restitution amount is appropriate, and the government needs to provide additional discovery to the defense in this vein. The defense also needs additional time to review that discovery. The government is still waiting for the aforementioned discovery from the USCF and cannot move forward with Mr. Alexander until such discovery is received from the organization;

3. Accordingly, Mr. Alexander requests a continuance of the status conference for this purpose;
4. Government counsel has no objection to defense counsel's request for additional time, given the outstanding discovery;
5. The parties jointly request October 26, 2011 at 2:30 p.m. as the next date before the Court;
6. The parties jointly request that the Court exclude the period of time between September 28, 2011- October 26, 2011 under the Speedy Trial Act for effective preparation of counsel; namely, counsel needs more time to analyze and review the restitution-related discovery after the government produces said discovery. *See* 18 U.S.C. § 3161(h)(7)(A) and (b)(iv).

IT IS SO STIPULATED.

DATED: September 27, 2011 _____/S/_____

ELIZABETH M. FALK
Assistant Federal Public Defender

DATED: September 27, 2011 _____/S/_____

MICHELLE KANE
Assistant United States Attorney

I hereby attest that I have on file all holographic signatures indicated by a "conformed" signature (/S/) within this efiled document.

[PROPOSED] ORDER

GOOD CAUSE APPEARING, it is hereby ORDERED that the status conference, previously scheduled for September 28, 2011 at 2:00 p.m., is hereby CONTINUED to October 26, 2011 at 2:30 p.m.. The Court further orders and finds, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv) and the reasons stated in this stipulation, that the failure to grant the

1 requested continuance would deny defense counsel the reasonable time necessary for effective
2 preparation of a defense. Accordingly, the Court will exclude the time period of September 28,
3 2011 through October 26, 2011 from the Speedy Trial calculation, and finds that the ends of
4 justice served by granting the requested two-week continuance outweighs the best interest in the
5 defendant and the public in a speedy trial.

6 18 U.S.C. § 3161(h)(7)(A) and (B)(iv)

7
8 IT IS SO ORDERED.

9 9/28/11

10 DATED: _____

11 THE HONORABLE
12 UNITED STATES JUDGE

